## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION

DARRELL JAMES PARKS,		)	
		)	
	Petitioner,	)	
		)	
VS.		)	No. 06-3389-CV-S-RED-H
		)	
HARVEY LAPPIN, Director		)	
Federal Bureau of Prisons,		)	
		)	
	Respondent.	)	

## REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner, an inmate formerly confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief in habeas corpus, the petitioner challenges his designation as a maximum security inmate. A review of the files and records in this case establishes that the petitioner is serving a life sentence for the offenses of Murder II While Armed; Assaulting a Police Officer; Possession of a Firearm During a Crime, and Carrying a Pistol Without a License. He was advised that his maximum custody status was due to the severity of his offense, length of sentence, history of violence/sex offense, and poor institutional adjustment.

Prisoner classification is a matter delegated to the discretion of the Bureau of Prisons' officials and the defendant has no liberty interest in a particular prison classification. *Moody v. Daggett*, 429 U.S. 78, 88, (1976).

Counsel for the petitioner has filed a Motion to Withdraw. Because there are no issues presented for which relief is appropriate, the motion is granted. <sup>1</sup>

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

JAMES C. England

JAMES C. ENGLAND, CHIEF

UNITED STATES MAGISTRATE JUDGE

Date: March 14, 2007

 $<sup>^{\</sup>rm 1}$  Petitioner has 10 days to file exceptions to the Report and Recommendation of the United States Magistrate Judge.